

AMENDED IN SENATE AUGUST 24, 2012
AMENDED IN SENATE AUGUST 21, 2012
AMENDED IN SENATE AUGUST 6, 2012
AMENDED IN SENATE JUNE 27, 2012
AMENDED IN ASSEMBLY MAY 25, 2012
AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1719

Introduced by Assembly Member Fuentes

(Principal coauthor: Senator Lowenthal)
(Coauthor: Assembly Member Brownley)

February 16, 2012

An act to add and repeal Sections 60605.87 and 60605.88 of the Education Code, relating to instructional materials, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 1719, as amended, Fuentes. Supplemental instructional materials: English language development: mathematics.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria.

Existing law requires the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English language arts and mathematics to provide a bridge between the California common core academic content standards and the standards-aligned instructional materials currently being used by local educational agencies. Existing law requires the state board to perform specified reviews and to approve or reject all, or a portion, of the list of supplemental instructional materials proposed by the department and authorizes the state board to add an item to that list, as specified. Existing law also permits the governing board of a school district to approve supplemental instructional materials other than those approved by the state board if the governing board performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district. Existing law requires supplemental instructional materials approved by the state board and the governing board of a school district to be reviewed by content review experts, as specified.

This bill would require the department to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials for English learners. The bill would require the department to develop a list by ~~January~~ *March* 1, 2014, of supplemental instructional materials for beginning through advanced levels of proficiency for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the revised English language development standards. The bill would require content review experts, who are recommended by the department and approved by the state board, to review the supplemental instructional materials. The bill would appropriate \$500,000 in one-time federal Title I carryover funds, as specified, from the Federal Trust Fund to the department for purposes of conducting this review. The bill would, by June 30, 2014, require the state board to approve or reject supplemental instructional materials, as specified. The bill would authorize the governing boards of school districts and county boards of education to approve supplemental instructional materials other than those approved by the state board if the governing board of a school district or county board of education performs specified reviews and determines that other supplemental instructional materials are aligned with the revised English language

development standards and meet the needs of pupils of the district who are English learners.

This bill would require the department, ~~on or before March 31, 2013~~ *at least 30 days before the state board takes specified action*, to develop a list of supplemental instructional materials for use in kindergarten and grades 1 to 7, inclusive, that are aligned with the California common core academic content standards for mathematics. The bill would require the department to recommend, and the state board to approve, content review experts to review supplemental instructional materials submitted for approval, as specified. The bill also would require the state board, ~~on or before May June 30, 2013~~, to perform specified reviews and to approve or reject all, or a portion, of the list of supplemental instructional materials proposed by the department and would authorize the state board to add an item to that list, as specified. The bill would require the department to use certain federal carryover funds to implement the development of this list of mathematics supplemental instructional materials.

This bill would become operative contingent upon the enactment of AB 1246 of the 2011–12 Regular Session.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California and 40 other states have adopted common core
- 4 academic standards for language arts and mathematics to provide
- 5 consistent and clear expectations of what pupils need to learn to
- 6 compete in a global economy.
- 7 (b) In 1999, California adopted the English language
- 8 development standards for the purpose of stating what pupils must
- 9 know and be able to do as they move toward full fluency in the
- 10 English language. The standards are to work in tandem with the
- 11 language arts academic standards; however, they have not been
- 12 revised or aligned to the approved common core language arts
- 13 standards.
- 14 (c) Chapter 605 of the Statutes of 2011 (Assembly Bill 124)
- 15 requires the revision and alignment of the English language
- 16 development standards as specified.

(d) There are currently 1.4 million pupils who are English learners and enrolled in California public schools.

(e) It is critical that “bridge” supplemental instructional materials be available to English learners that reflect both the common core language arts and English language development standards in order for pupils to be held accountable to the common core language arts standards via assessments.

(f) School districts, county offices of education, and charter schools, at a minimum, need supplemental English language development instructional materials to ensure teachers and pupils have the proper tools to begin to bridge the curriculum between the state’s current content standards in language arts to the English language development standards.

SEC. 2. Section 60605.87 is added to the Education Code, to read:

60605.87. (a) The department shall recommend, and the state board shall approve, evaluation criteria to guide the development and review of supplemental instructional materials for English learners.

(b) Notwithstanding any other law, and on a one-time basis, the department, on or before ~~January~~ March 1, 2014, shall develop a list of supplemental instructional materials for beginning through advanced levels of proficiency for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the revised English language development standards adopted pursuant to Section 60811.3. The supplemental instructional materials shall provide a bridge between the current English language development standards and the revised English language development standards pursuant to Section 60811.3 *with the purpose of ensuring the supplemental materials address the unique features of the English language development standards and remain consistent with the relevant elements of the evaluation criteria for English language arts supplemental instructional materials adopted pursuant to Section 60605.86.*

(c) (1) The department shall recommend, and the state board shall approve, content review experts to review, in an open and transparent process, supplemental instructional materials submitted for approval in the subject area of English language development.

(2) The majority of content review experts approved pursuant to paragraph (1) shall be elementary and secondary school teachers who are credentialed in English language arts, possess the

1 appropriate state English learner authorization, and have five years
2 of classroom experience instructing English learners. The content
3 review experts also shall include appropriate persons possessing
4 English learner expertise from postsecondary educational
5 institutions and school and school district curriculum administrators
6 possessing English learner expertise, and other persons who are
7 knowledgeable in English language arts and English language
8 development.

9 (d) (1) On or before June 30, 2014, the state board shall do the
10 following:

11 (A) Approve all, or a portion, of the list of supplemental
12 instructional materials proposed by the department, taking into
13 consideration the review of the content review experts and any
14 other relevant information, as appropriate.

15 (B) Reject all, or a portion, of the list of supplemental
16 instructional materials proposed by the department, taking into
17 consideration the review of the content review experts and any
18 other relevant information, as appropriate.

19 (2) If the state board rejects all, or a portion, of the list of
20 supplemental instructional materials proposed by the department,
21 or adds an item to the list, the state board, in a public meeting held
22 pursuant to the Bagley-Keene Open Meeting Act (Article 9
23 commencing with Section 11120) of Chapter 1 of Part 1 of
24 Division 3 of Title 2 of the Government Code), shall provide
25 written reasons for the removal or addition of an item on the list.
26 The state board shall not approve a supplemental instructional
27 material it adds to the list at the same time it provides its written
28 reason for adding the material; instead, the state board shall
29 approve the added material at a subsequent public meeting.

30 (e) (1) The governing board of a school district and a county
31 board of education may approve supplemental instructional
32 materials other than those approved by the state board pursuant to
33 subdivision (d) if the governing board of a school district or county
34 board of education determines that other supplemental instructional
35 materials are aligned with the revised English language
36 development standards adopted pursuant to Section 60811.3 and
37 meet the needs of pupils of the district who are English learners.
38 The governing board of a school district or the county board of
39 education may only approve supplemental instructional materials
40 that comply with all of the following:

1 (A) The evaluation criteria approved pursuant to subdivision
2 (a).

3 (B) Section 60226.

4 (C) Subdivision (h).

5 (D) Article 4 (commencing with Section 60060) of Chapter 1.

6 (2) (A) A supplemental instructional material approved by a
7 governing board of a school district or county board of education
8 pursuant to this subdivision that is in the subject area of English
9 language development shall be reviewed by content review experts
10 chosen by the governing board.

11 (B) The majority of the content review experts chosen pursuant
12 to subparagraph (A) shall be elementary and secondary school
13 teachers who are credentialed in English language arts, possess
14 the appropriate state English learner authorization, and have five
15 years of classroom experience instructing English learners.

16 (C) The content review experts also shall include appropriate
17 persons possessing English learner expertise from postsecondary
18 educational institutions and school and school district curriculum
19 administrators possessing English learner expertise, and other
20 persons who are knowledgeable in English language arts and
21 English language development.

22 (f) Publishers choosing to submit supplemental instructional
23 materials for approval by the state board shall submit standards
24 maps.

25 (g) (1) Before approving supplemental instructional materials
26 pursuant to this section, the state board shall review those
27 instructional materials for academic content, social content, and
28 instructional support to teachers and pupils. Supplemental
29 instructional materials approved by the state board pursuant to this
30 section shall meet required program criteria for grade-level
31 programs and shall include materials for use by teachers.

32 (2) Before approving supplemental instructional materials
33 pursuant to this section, the governing board of a school district
34 or county board of education shall review those instructional
35 materials for academic content and instructional support to teachers
36 and pupils who are English learners. Supplemental instructional
37 materials approved by the governing board of a school district or
38 county board of education pursuant to this section shall meet
39 required program criteria for grade-level programs and shall include
40 materials for use by teachers.

1 (h) Supplemental instructional materials approved pursuant to
2 this section shall comply with the social content review
3 requirements pursuant to Section 60050.

4 (i) The department shall maintain on its Internet Web site the
5 list of supplemental instructional materials approved by the state
6 board pursuant to subdivision (d).

7 (j) This section shall become inoperative on July 1, 2014, and,
8 as of July 1, 2015, is repealed, unless a later enacted statute, that
9 becomes operative on or before July 1, 2015, deletes or extends
10 the dates on which it becomes inoperative and is repealed.

11 SEC. 3. Section 60605.88 is added to the Education Code, to
12 read:

13 60605.88. (a) Notwithstanding any other law, and on a
14 one-time basis, the department, ~~on or before March 31, 2013 at~~
15 *least 30 days before the state board takes action pursuant to*
16 *subdivision (c)*, shall develop a list of supplemental instructional
17 materials for use in kindergarten and grades 1 to 7, inclusive, that
18 are aligned with the California common core academic content
19 standards for mathematics. The supplemental instructional
20 materials shall provide a bridge between the California common
21 core academic content standards and the standards-aligned
22 instructional materials currently being used by local educational
23 agencies.

24 (b) (1) The department shall recommend, and the state board
25 shall approve, content review experts to review, in an open and
26 transparent process, supplemental instructional materials submitted
27 for approval in the subject area of mathematics.

28 (2) The majority of content review experts approved pursuant
29 to paragraph (1) shall be elementary and secondary school teachers
30 who are credentialed in the subject area they are reviewing. The
31 content review experts shall also include appropriate persons from
32 postsecondary educational institutions and school and school
33 district curriculum administrators, and other persons who are
34 knowledgeable in the appropriate subject area.

35 (3) The review of supplemental instructional materials described
36 in this section shall be in addition to the review of supplemental
37 instructional materials conducted pursuant to Section 60605.86
38 and shall be open to ~~all~~ publishers and manufacturers of
39 supplemental instructional materials in mathematics that ~~wish to~~
40 *participate previously submitted supplemental instructional*

1 *materials pursuant to Section 60605.86 that supplement any*
2 *mathematics program that is not a current state-adopted program.*

3 The review shall be based upon the evaluation criteria approved
4 by the state board pursuant to subdivision (a) of Section 60605.86.

5 (c) (1) On or before ~~May~~ *July* 30, 2013, the state board shall
6 do all of the following:

7 (A) Approve all, or a portion, of the list of supplemental
8 instructional materials proposed by the department, taking into
9 consideration the review of the content review experts and any
10 other relevant information, as appropriate.

11 (B) Reject all, or a portion, of the list of supplemental
12 instructional materials proposed by the department, taking into
13 consideration the review of the content review experts and any
14 other relevant information, as appropriate.

15 (2) The state board may add an item to the list of supplemental
16 instructional materials proposed by the department.

17 (3) If the state board rejects all, or a portion, of the list of
18 supplemental instructional materials proposed by the department,
19 or adds an item to the list, the state board, in a public meeting held
20 pursuant to the Bagley-Keene Open Meeting Act (Article 9
21 commencing with Section 11120) of Chapter 1 of Part 1 of
22 Division 3 of Title 2 of the Government Code), shall provide
23 written reasons for the removal or addition of an item on the list.
24 The state board shall not approve a supplemental instructional
25 material it adds to the list at the same time it provides its written
26 reason for adding the material; instead, the state board shall
27 approve the added material at a subsequent public meeting. *If the*
28 *state board modifies the recommendations proposed by the*
29 *department, it shall act at its next scheduled meeting or within 60*
30 *days of July 30, 2013.*

31 (d) Publishers and manufacturers choosing to submit
32 supplemental instructional materials for approval by the state board
33 shall submit standards maps.

34 (e) Before approving supplemental instructional materials
35 pursuant to this section, the state board shall review those
36 instructional materials for academic content, social content, and
37 instructional support to teachers and pupils. Supplemental
38 instructional materials approved by the state board pursuant to this
39 section shall meet required program criteria for grade-level

1 programs, ~~intervention programs~~, and English learners and shall
2 include materials for use by teachers.

3 (f) The department shall maintain on its Internet Web site the
4 list of supplemental instructional materials approved by the state
5 board pursuant to subdivision (c).

6 (g) The department shall use federal carryover funds received
7 pursuant to Title I of the federal No Child Left Behind Act of 2001
8 (20 U.S.C. Sec. 6301 et seq.) to implement this section.

9 (h) This section shall become inoperative on July 1, 2014, and,
10 as of January 1, 2015, is repealed, unless a later enacted statute,
11 that becomes operative on or before January 1, 2015, deletes or
12 extends the dates on which it becomes inoperative and is repealed.

13 SEC. 4. The sum of five hundred thousand dollars (\$500,000)
14 in one-time federal carryover funds received pursuant to Title I of
15 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
16 et seq.) is hereby appropriated from the Federal Trust Fund to the
17 State Department of Education for purposes of conducting a review
18 of English language development supplemental instructional
19 materials pursuant to Section 60605.87 *of the Education Code*.

20 SEC. 5. This act shall become operative only if Assembly Bill
21 1246 of the 2011–12 Regular Session is enacted and becomes
22 operative.